

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

PAUL COREY MARTINEZ,	)	
	)	
	)	
Plaintiff,	)	
	)	
	)	
v.	)	Case No. CIV-24-1065-SLP
	)	
EL RENO, OKLAHOMA BOP, et al.,	)	
	)	
Defendant.	)	
	)	
	)	

**ORDER**

Before the Court is Plaintiff Paul Corey Martinez’s Motion to Proceed and Be Heard. [Doc. No. 27]. In Plaintiff’s Motion, he requests an additional 30 days to obtain medical records to submit to the Court, and Plaintiff also indicates he hopes he is appointed legal counsel. *Id.* at 5. Therefore, the Court construes Plaintiff’s Motion as a Motion for an Extension of Time to Object to Report and Recommendation and will allow Plaintiff an additional 21 days to object to the Magistrate Judge’s Report and Recommendation [Doc. No. 26]. The Court cautions Plaintiff that it does not anticipate granting any further extensions. The Court further notes Plaintiff’s reference to obtaining medical records; however, the basis for dismissal in the Report and Recommendation is based only on jurisdictional grounds.

As for appointment of counsel, the Court has broad discretion to grant such a request as Plaintiff has no constitutional right to appointment of counsel. *Williams v. Meese*, 926

F.2d 994, 996 (10th Cir. 1991); *Durre v. Dempsey*, 869 F.2d 543, 547 (10th Cir. 1989). Factors the Court considers in the exercise of that discretion include the merits of the prisoner's claims, the nature and complexity of the factual and legal issues, and the prisoner's ability to investigate the facts and present his claims. *Watson v. Hollingsworth*, 741 F. App'x 545, 553 (10th Cir. 2018); *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995). Here, the factors weigh against appointment. Should the Report and Recommendation be adopted, Plaintiff's need for counsel becomes moot. Further, Plaintiff has failed to demonstrate a need for counsel to date, as it is clear from Plaintiff's papers that he is able to articulate and argue his claims. Further, the Court is not convinced that the issues in this case are overly complex to require appointment of counsel at this time. Thus, to the extent Plaintiff's Motion was intended to formally request appointment of counsel, that request is denied.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Extension of Time to Object to R&R [Doc. No. 27] is GRANTED. Any objection must be filed with the Clerk of Court not later than July 29, 2025. Failure to timely object waives the right to appellate review of the factual and legal issues addressed in the Report and Recommendation.

IT IS SO ORDERED this 8<sup>th</sup> day of July, 2025.



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SCOTT L. PALK  
UNITED STATES DISTRICT JUDGE